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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,247	04/06/2001	Ronald L. Tardif	05793.3050	7207
22852	7590	06/01/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				KESACK, DANIEL
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/827,247	TARDIF, RONALD L.
	<b>Examiner</b>	<b>Art Unit</b>
	Dan Kesack	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/1/01; 1/31/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This application has been reviewed. Original claims 1-47 are currently pending.

The rejections are as stated below.

### ***Claim Objections***

2. Claims 4, 11, 14, 21, 27, 33, and 39 are objected to because of the following informalities: Applicant has improperly used the abbreviation "DMV" to represent a local driver's license issuing site, as Examiner has interpreted the claim language. Within the art, D.M.V. is well known to stand for "Department of Motor Vehicles". Applicant must clearly define what the initials D.M.V. stand for in the present invention, at least the first time it is used within a claim, where it is not cited in a prior claim from which the current claim depends. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 5, 21, 22, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5, 21, 22, 33, 34, recite “determining whether the DMV site is capable of processing the request.” This phrase renders the claim indefinite because it is unclear how the determination is made, and what constitutes a DMV site being “capable of processing a request.” For the purposes of examination, Examiner has given this phrase the broadest reasonable interpretation, to mean a mental step performed by an operator of the claimed invention before a request is made, wherein the operator would inherently make the determination beforehand, and only forward requests to sites capable of processing said requests.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-3, 11-13, 18-20, 27-32, 39-42, 44, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keen, U.S. Patent No. 5,774,882, in view of Yang, U.S. Patent No. 6,224,109.

Claims 1, 11, 18, 27, 30, 39, 42, 45, Keen discloses a system and method for real-time electronic inquiry, delivery, and reporting of credit information, comprising inherently receiving a request and credit information from the applicant (column 3 lines 1-4 and column 4 lines 46-63), transferring the credit information to a credit card issuer, receiving an approval response indicating the applicant's ability to obtain a line of credit from the credit card issuer, and approving or denying the application for credit based on the information (column 4 line 64 – column 5 line 18), sending the response to the applicant (column 5 lines 19-26), and issuing a credit card as a result of the approval (column 2 lines 6-10).

Claims 1, 11, 18, 27, 30, 39, 42, 45, Keen fails to teach the credit card being a credit card driver's license product, used as a license for operating a motor vehicle and as a credit card to purchase goods and services.

Yang discloses a credit card with driver's license being used as a license for operating a motor vehicle and as a credit card to purchase goods and services (column 7 lines 24-47). It would have been obvious to one of ordinary skill in the art at the time

of the Applicant's invention to modify the credit card issued by Keen to include a driver's license credit card because of the many advantages provided by a license credit card, as described by Yang (column 2 lines 34-67).

Claims 2, 19, 31, 44, 47, Keen fails to teach charging fees to a line of credit associated with the applicant's credit card driver's license, wherein the fees are associated with processing fees for obtaining a driver's license (column 2 lines 48-52).

Yang teaches providing a credit card with driver's license, allowing vehicle registration and driver's license fees to be directly billed to individuals (column 2 lines 48-52). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit card issued by Keen to include a driver's license credit card because of the many advantages provided by a license credit card, as described by Yang (column 2 lines 34-67).

Claims 3, 20, 32, Keen fails to teach the credit card license product being used to pay for goods and services at merchant sites that accept credit cards issued by the card issuer.

Yang teaches the credit card driver's license being used as a credit card to purchase goods and services (column 7 lines 24-47). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit card issued by Keen to include a driver's license credit card because of the many

advantages provided by a license credit card, as described by Yang (column 2 lines 34-67).

Claim 13, 29, 41, Keen teaches sending a rejection indication in the event applicant is not approved to obtain a line of credit from the credit card issuer (column 5 lines 19-26).

Claims 12, 28, 40, Keen and Yang fail to teach the credit information including a credit limit, an account number, interest rate, and terms and conditions.

Official Notice is taken that all credit cards inherently have a credit limit, an account number, interest rate, and terms and conditions. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to notify the applicant of this information along with the approval because this information is necessary for the applicant to use the credit card license as taught by Yang.

8. Claims 43, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keen and Yang as applied to claims 3, 20, 32, above, and further in view of Jackson, "South Bend Tribune" article.

Claims 43, 46, Keen and Yang fail to teach the driver's license credit card product being used to purchase selected food items authorized for purchase by the government agency.

Jackson teaches welfare cards, usable for purchase of food items authorized by a government agency, being issued and used in a manner identical to that of a credit card. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit card of Yang to include a welfare card because the cards are used interchangeably, in the same manner.

9. Claims 4, 5, 10, 14, 21, 22, 26, 33, 34, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keen and Yang as applied to claims 1-3, 11-13, 18-20, 27-32, and 39-41 above, and further in view of Braddy, U.S. Patent No. 6,141,759.

Claims 4, 5, 14, 21, 22, 33, 34, Keen and Yang fail to teach transmitting the request to a credit card issuer if the central DMV site is not capable of processing the request.

Braddy discloses a system and architecture for distributing, monitoring, and managing information requests on a computer network, wherein a request is sent to a server, and information is examined to determine whether to process the request locally or to forward the request to another system capable of processing the request (column 6 lines 28-39). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit processing system of Keen to include the determination and request forwarding features of Braddy because it is desirable and necessary that the system forward an application to a server that can handle the request, so that the application can be processed according to the invention.

10. Claims 6, 7, 15, 23, 24, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keen, Yang, and Braddy as applied to claims 4, 5, 14, 21, 22, 33, 34, above, and further in view of Jones, U.S. Patent No. 5,239,462.

Claims 6, 7, 15, 23, 24, 35, 36, Keen and Yang fail to teach checking a database to determine whether the applicant is approved for a credit line associated with the credit card issuer.

Jones teaches a method and apparatus for determining the approval status of a potential borrower comprising checking a database to determine whether an applicant is approved for a credit line (column 6 line 49 – column 7 line 17). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the credit processing system of Keen to include the checking step of Jones because if the applicant has been pre-approved, the "checker" need not make further requests for approval, thus expediting the application process.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HANI M. KAZIMI  
PRIMARY EXAMINER